



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



222524

REPLY TO THE ATTENTION OF

April 25, 2002

BY FAX AND REGULAR MAIL

Mr. Todd R. Wiener
McDermott, Will & Emery
227 West Monroe Street
Chicago, Illinois 60606-5096

Re: Downers Grove Site Investigation
Rexnord Corporation

Dear Mr. Wiener:

Thank you for your letter dated April 18 2002, concerning access to Rexnord Corporation's property on Curtiss Street in Downers Grove, Illinois.

It is my understanding that the United States Environmental Protection Agency (U.S. EPA) has now provided you with the contract and insurance documentation referenced in the first paragraph of your letter and that the Illinois Environmental Protection Agency (IEPA) has provided you with information on its insurance status and obligations as requested. Accordingly, U.S. EPA and IEPA assume that they now have Rexnord Corporation's consent to access for the sampling and investigation activities described in further detail in your letter.

I would also like to clarify a couple of the understandings laid out in your letter. I believe these clarifications are merely semantic, not substantive, but want to make sure there is no miscommunication.

First, while U.S. EPA cannot agree to conditions on access, U.S. EPA has arranged for identification and marking of all known utilities as described in the third paragraph of your letter. Second, U.S. EPA has statutory authority to test samples for whatever parameters it determines are necessary. Paragraph three of your letter correctly lays out U.S. EPA's plan for this sampling activity – that it initially plans to test for volatile organic compounds, but that based on field observations it may add analytical parameters. As you note, U.S. EPA has agreed to notify Rexnord Corporation promptly if it makes such a determination to expand the scope of analytical parameters.

Third, it is U.S. EPA's policy to restore properties to their prior condition *to the extent practicable*. In some cases, minor modifications to the pre-existing conditions may be beneficial to both the property owner and to U.S. EPA. Similarly, if monitoring wells are left on-site for future use, that would be an alteration of prior conditions that is clearly contemplated by, and acceptable to, the property owner. I do not believe that differs dramatically from the

understanding laid out in paragraph four of your letter. Finally, U.S. EPA does not intend to provide draft data or laboratory reports to Rexnord Corporation. As soon as final, validated data is available it will be provided. I do not believe that differs from the intent of the final paragraph of your letter, though it could be read more broadly.

Please contact me if you have any questions or concerns regarding this letter. I appreciate the continued cooperation shown by you and your client in providing the access requested by U.S. EPA.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Tom J Krueger', with a stylized flourish at the end.

Thomas J. Krueger
Associate Regional Counsel

cc: Steven Faryan, U.S. EPA
Carol Ropski, U.S. EPA